

FIRST RESTRICTION PRESENTED

The Examiner contends that the claims are directed to the following patentably distinct species:

- Specie I - A neural spike detection system, as described on lines 1-9 of page 6 of the present specification and method for transmitting a neural spike signal as described on line 22, page 6 - line 2, page 7 of the present specification.
- Specie II - A neural signal detection system, as described on lines 10-15 of page 6 of the present specification and method for transmitting neural signals as described on lines 3-7 of page 7 of the present specification.
- Specie III - A neural signal transmission system, as described on lines 16-21 of page 6 of the present specification and method for transmitting neural signals as described on lines 8-12 of page 7 of the present specification.
- Specie IV - A neural processing system, as described on lines 13-19 of page 7 of the instant specification.
- Specie V - A neural signal receiver, as described on line 20, page 8 of the present specification.

APPLICANTS' ELECTION 1

Applicants hereby elect the invention of Specie I, which consists of claims 1-45 and 57-64 for prosecution at this time. Accordingly, Applicants hereby cancel non-elected claims 46-56 and 65-82, while reserving the right to file related application(s) based on claims 46-56 and 65-82.

SECOND RESTRICTION PRESENTED

The Examiner also contends that the claims are directed to the following patentably distinct Subspecies within species I:

- Subspecie A - A neural spike detection system or method for transmitting a neural spike where the wireless link comprises radiofrequency telemetry or the transmitter comprises a radiofrequency transmitter.
- Subspecie B - A neural spike detection system or method for transmitting a neural spike where the wireless link comprises optical telemetry.

APPLICANTS' ELECTION 2

Applicants hereby elect the invention of Subspecie A, which consists of claims 4 and 5, for prosecution at this time. Accordingly, Applicants hereby cancel non-elected claim 6 to Subspecie B, while reserving the right to file related application(s) based on claims 6.

THIRD RESTRICTION PRESENTED

The Examiner also contends that the claims are directed to the following patentably distinct Subspecies within species I:

- Subspecie C - A neural spike detection system wherein the plurality of neural sensors comprise electrodes.
- Subspecie D - A neural spike detection system wherein the plurality of neural sensors comprise magnetic field detectors.
- Subspecie E - A neural spike detection system wherein the plurality of neural sensors comprise chemical sensors.

APPLICANTS' ELECTION 3

Applicants hereby elect the invention of Subspecie C, which consists of claim 9, for prosecution at this time. Accordingly, Applicants hereby cancel non-elected claims 10 and 11 to Subspecies D and E, respectively, while reserving the right to file related application(s) based on claims 10 and 11.

FOURTH RESTRICTION PRESENTED

The Examiner also contends that the claims are directed to the following patentably distinct Subspecies within species I:

- Subspecie F - A neural spike detection system wherein the information signal is a digital signal.
- Subspecie G - A neural spike detection system wherein the information signal is an analog signal.

APPLICANTS' ELECTION 4

Applicants hereby elect the invention of Subspecie F, which consists of claim 31, for prosecution at this time. Accordingly, Applicants hereby cancel non-elected claim 34 to Subspecie G, while reserving the right to file related application(s) based on claim 34.

REMARKS

Claims 1 - 82 are now pending in the subject U.S. patent application. Claims 1 - 82 as filed have been subjected to a Restriction/Election Requirement.

In response to the Restriction/Election Requirement, applicants have elected the claims of Specie I, Claims 1 - 45 and 57 - 64 for prosecution at this time. Further,

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applicants have elected the claims of Subspecie A, claims 4 and 5; elected the claims of Subspecie C, claim 9; and elected the claims of Subspecie F, claim 31, for prosecution at this time.

Applicants hereby reserve the right to file one or more divisional patent applications directed to the unelected subject matter of claims 46-56 and 65-82; claim 6; claims 10 and 11; and claim 34.

#### CONCLUSIONS

Should there be any minor issues outstanding in this matter, the Examiner is respectfully requested to telephone the undersigned attorney. Early passage of the subject application to issue is earnestly solicited.

#### DEPOSIT ACCOUNT

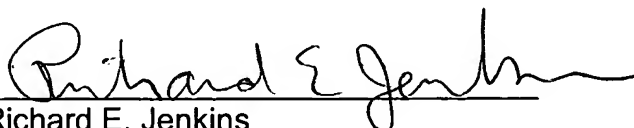
The Commissioner is hereby authorized to charge any fees associated with the filing of this correspondence to Deposit Account Number 50-0426.

Respectfully submitted,

JENKINS, WILSON, TAYLOR & HUNT, P.A.

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